

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

AARON JOHNSON,

Plaintiff,

vs.

SALT LAKE COMMUNITY COLLEGE,
KAREN GUNN, CHRIS PICKARD,
CYNTHIA BIOTEAU, UTAH ATTORNEY
GENERAL'S OFFICE, CONSTANCE
HUGHES, KEVIN OLSEN, and DAVID
JONES,

Defendants.

ORDER ADOPTING REPORT &
RECOMMENDATION

Case No. 2:11-CV-231
Judge Dee Benson

Before the court is the Report and Recommendation issued by United States Magistrate Judge Brooke Wells on June 2, 2011, recommending that this court: (1) grant Defendants' Motion To Strike; (2) grant Defendant Salt Lake Community College and Defendant Utah Attorney General's Office's Motion To Dismiss; (2) deny Plaintiff's Motion To Disqualify Counsel; (4) deny Plaintiff's Motion To Amend Original Response; and (5) deny Plaintiff's Motion To Amend the Amended Complaint.

The parties were notified of their right to file objections to the Report and

Recommendation within fourteen (14) days after receiving it. On June 15, 2011, the Plaintiff filed his “Objection to Magistrate’s Report and Recommendations.” (Dkt. No. 37.) On June 22, 2011, Defendants Salt Lake Community College and Utah Attorney General’s Office filed their “Response to Plaintiff’s Objection to Magistrate’s Report and Recommendation.” (Dkt. No. 38.)

Having reviewed all relevant materials, including Plaintiff’s *pro se* objection, defendants’ response, the record that was before the magistrate judge, and the reasoning set forth in the magistrate judge’s Report and Recommendation, the court agrees with the analysis and conclusion of the magistrate judge. Moreover, as defendants point out in their Response, the issues raised in Plaintiff’s Objection were not raised before the Magistrate and, in any event, do not overcome the fact that the claims Plaintiff attempts to assert against the Salt Lake Community College and the Utah Attorney General’s Office are barred by the Eleventh Amendment.

Accordingly, the court ADOPTS the Report and Recommendation and issues the following Order. Defendants’ Motion to Strike is GRANTED. Defendant Salt Lake Community College and Defendant Utah Attorney General’s Office’s Motion to Dismiss is GRANTED. Plaintiff’s Motion to Disqualify Counsel is DENIED. Plaintiff’s Motion to Amend Original Response is DENIED. Plaintiff’s Motion to Amend the Amended Complaint is DENIED.

DATED this 16th day of July, 2011.

A handwritten signature in black ink, reading "Dee Benson", written over a horizontal line.

Dee Benson
United States District Judge